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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,179	10/10/2003	Thorsten Kiehne	02/059 MFE	2584
38263	7590	10/04/2005	EXAMINER	
PROPAT, L.L.C. 425-C SOUTH SHARON AMITY ROAD CHARLOTTE, NC 28211-2841			CHEN, VIVIAN	
			ART UNIT	PAPER NUMBER
			1773	
DATE MAILED: 10/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,179

Applicant(s)

KIEHNE ET AL.

Examiner

Vivian Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 8, 16 have been cancelled by Applicant.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/18/2005 has been entered.

Claim Rejections - 35 USC § 103

3. Claims 1-7, 9-15, 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over EUROPEAN PATENT APPLICATION 1 176 004 (hereinafter EP '004),
in view of HEBERGER (US 4,214,035) or HEBERGER (US 4,302,505) or HEBERGER (US 4,302,506); and
in view of ENCYCLOPEDIA OF POLYMER SCIENCE (hereinafter POLYMER SCIENCE).

EP '004 discloses a single-layer or multilayer film having the recited R-value, emax ratio, polyester compositions, symmetrical structures, fillers and/or white pigments such as titanium dioxide, thickness, method of making, and uses of said film. (see entire document, particularly

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paragraphs 0017-0021, claims) However, the reference does not explicitly disclose the recited acrylic coatings.

POLYMER SCIENCE discloses that it is well known in the art to apply functional coatings to polyester films in order to improve slip properties (page 201).

The HEBERGER references disclose that it is well known in the art to apply crosslinkable aqueous acrylic coating to one or more surfaces of polyester films to control slip properties wherein the acrylic coating contains a crosslinkable methylmethacrylate-ethylacrylate-methacrylamide terpolymer, wherein the coated film has a typical kinetic coefficient of friction of 0.40 or less and typically applied by in-line coating between orientation steps (HEBERGER '035; line 17-30, 51-68, col. 4; line 19-32, col. 6; Tables II-III) (see corresponding portions of HEBERGER '505 and '506)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply known acrylic-based slip coatings as disclosed in the HEBERGER references to the polyester films of EP '004 in order to improve film-handling properties. One of ordinary skill in the art would have used conventional protective and/or coloration-modifying additives (e.g., UV absorbers, stabilizers, pigments, dyes, bluing agents, brighteners, etc.) to reduce undesirable yellowing (claim 14). It is well known in the art to incorporate surfactants (claim 20) in aqueous coating compositions to improve dispersibility and coating performance. One of ordinary skill in the art would have utilized known, commercially available terpolymer formulations (claim 21) depending on the specific coating properties, hardness, and other properties desired for specific applications.

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4. Claims 1-7, 9-15, 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over HEBERGER (US 4,214,035) or HEBERGER (US 4,302,505) or HEBERGER (US 4,302,506); in view of EUROPEAN PATENT APPLICATION 1 176 004 (hereinafter EP '004).

The HEBERGER references disclose polyester films coated on at least one surface with an crosslinkable aqueous acrylic coating to control slip properties wherein the acrylic coating contains a crosslinkable methylmethacrylate-ethylacrylate-methacrylamide terpolymer, wherein the coated film has a typical kinetic coefficient of friction of 0.40 or less and typically applied by in-line coating between orientation steps (HEBERGER '035; line 17-30, 51-68, col. 4; line 19-32, col. 6; Tables II-III) (see corresponding portions of HEBERGER '505 and '506) However, the reference does not explicitly disclose the recited polyester base films.

EP '004 discloses that it is well known in the art to produce a single-layer or multilayer film having the recited R-value, emax ratio, polyester compositions, symmetrical structures, fillers and/or white pigments such as titanium dioxide, thickness, method of making, wherein the film is suitable as a support for various functional coatings. (see entire document, particularly paragraphs 0017-0021, claims).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the polyester films of EP '004 as the substrate for the acrylic-based slip coatings disclosed in the HEBERGER references in order to produce useful film produces with desirable mechanical and physical properties. One of ordinary skill in the art would have used conventional protective and/or coloration-modifying additives (e.g., UV absorbers, stabilizers, pigments, dyes, bluing agents, brighteners, etc.) to reduce undesirable yellowing (claim 14). It is well known in the art to incorporate surfactants (claim 20) in aqueous coating

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compositions to improve dispersibility and coating performance. One of ordinary skill in the art would have utilized known, commercially available terpolymer formulations (claim 21) depending on the specific coating properties, hardness, and other properties desired for specific applications.

Response to Arguments

5. Applicant's arguments filed 7/18/2004 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chen whose telephone number is (571) 272-1506. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 6 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

The General Information telephone number for Technology Center 1700 is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


September 29, 2005



Vivian Chen
Primary Examiner
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